IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.122 OF 1991

Tukaram Rama Khanavkar ...Appellants
(Since deceased through LRs.)

Vs.

The State of Maharashtra ...Respondents
(through the Special Land Acquisition Officer,
Metro Centre No.VI, Panvel)

Mr.R.S.Datar, Advocate for the Appellants
Mr.K.K.Tated, A.G.P.for the Respondents

CORAM: SHRI D.G. DESHPANDE &
SMT. ROSHAN DALVI, JJ.
DATE : 11TH DECEMBER, 2006.

P.C.

1. Heard the claimants' Advocate and Mr. Tated, A.G.P. for the acquiring body.

2. The acquired land is situated at Village Penghar, Panvel Taluka in New Bombay for the group project. The Reference Court has awarded compensation of Rs.14/- per Sq. Mtr. Learned Counsel for the Appellant contended that in a group of Appeals decided by the Division Bench of Justice A.P.Shah and Justice J.A.Patil in First Appeal No.875 of 1985 and others, so far as village Pendhar is concerned the compensation is awarded at Rs.25/- per sq. mtr.

3. Therefore, since the land acquired in the instant Appeal No.122 of 1991 is from Village Penghar compensation at Rs.25/- per sq. mtr. has to be granted. However, the learned Advocate for the Respondents submitted that in the very Judgment the Division Bench had granted 20% deduction towards charges. The learned Advocate for the claimant could not show why the same view should not be followed by

us. Therefore, we pass following order:

O R D E R

(i). The Appeal filed by the State is disposed of.

(ii). The Appeal filed by the Claimant is allowed. The Claimants are entitled to the compensation at the rate of Rs.25/- per sq. mtr.

(iii). State will be entitled to deduct 20% development charges from the said compensation amount.

. No order as to costs.

(SMT. ROSHAN DALVI, J.) (SHRI D.G. DESHPANDE, J.)